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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/729,123

12/05/2003

Jens-Uwe Schluetter

03-1075

9023

39310 7590 06/11/2010  
MBHB/TRADING TECHNOLOGIES  
300 SOUTH WACKER DRIVE  
SUITE 3200  
CHICAGO, IL 60606

EXAMINER

PILLAI, NAMITHA

ART UNIT

PAPER NUMBER

2173

NOTIFICATION DATE

DELIVERY MODE

06/11/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@mbhb.com  
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<b>Office Action Summary</b>	<b>Application No.</b> 10/729,123	<b>Applicant(s)</b> SCHLUETTER ET AL.	
	<b>Examiner</b> NAMITHA PILLAI	<b>Art Unit</b> 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 41-65 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 41-65 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Response to Amendment***

1. The Examiner acknowledges Applicant's submission on 3/8/10 including cancellation of claims 1-40 and the addition of new claims 41-65. All pending claims have been rejected.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 41-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Publication No. 2003/0004853 A1 (Ram et al.), herein referred to as Ram and U. S. Publication No. 2003/0189670 A1 (Kennedy et al.), herein referred to as Kennedy.

Referring to claim 41, Ram discloses a method for sending trade orders to buy or sell a tradeable object at an electronic exchange receiving, by a computer device, a first user command from a user input device to place a cursor over a location corresponding to a first price level on a trading screen (page 2, paragraph 18). Ram discloses subsequently, establishing, by the computer device, an association between the cursor and the first price level responsive to placing the cursor over the first price level (Figure 3 and page 1, paragraph 1). Ram discloses subsequently, updating the trading screen,

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by the computer device, such that the location on the trading screen no longer corresponds to the first price level (Figure 3). Ram discloses subsequently, receiving, by the computer device, a second user command from the user input device to send a trade order for a tradeable object in an order message to an electronic exchange, wherein the order message comprises the first price level in accordance with the association (page 2, paragraph 18 and Figure 3). Ram discloses sending, by the computer device, the order message to the electronic exchange responsive to the second user command (page 2, paragraph 18 and Figure 3). Ram does not disclose subsequently, maintaining, by the computer device, the association between the cursor and the first price level. Kennedy discloses maintaining by the computer device the association between the cursor and the first location of the user interface (page 1, paragraphs 9 and 10). It would have been obvious to one skilled in the art at the time of the invention to learn from Kennedy maintaining by the computer device the association between the cursor and the first location of the user interface. Ram discloses automatically updating the grid data with new market information, thereby changing the price axis as shown in Figures 25 and 26. As the price axis is repositioned, the cells associated with these prices also change. The location of cell 194 in Figure 25 has clearly changed locations to a second location in Figure 26. When a cursor is placed in Figure 25 on cell 194, the same location in Figure 26 would not be the intended location where the user had initially placed the cursor. This clearly would lead to incorrect inputs and trade orders. Kennedy also discloses that the user must seek out the actual desired information in cases where the user interface changes which puts the burden on the

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user, making the interaction more difficult and cumbersome. See page 1, paragraph 6, lines 16-21. Kennedy's invention alleviates these problems by automatically positioning the cursor. Ram would benefit from this teaching where the cursor is repositioned automatically in the correct cell 194 of Figure 26 to ensure that the user makes the intended and correct selection. This ensures that when there is a receipt of new market data that causes an update of the display on the graphical user interface such that the price level no longer corresponds to the first location but correspond to the second location, the order made would be based on the correct price level that was initially intended by the user. Therefore, one skilled in the art would have been motivated to learn from Kennedy maintaining by the computer device the association between the cursor and the first location of the user interface.

. Referring to claim 42, Ram discloses displaying the plurality of locations for receiving commands from the user input device to send trade orders to the electronic exchange, such that selection of a location of the plurality of locations through an action of the user input device will both set an order price parameter and send a trade order to the electronic exchange (page 1, paragraph 16 - page 2, paragraph 18). Based on command from user input device a trade order is made when a cell is selected where the price level of the cell is set as the order price parameter and an execution to send the trade order at that price parameter is made.

Referring to claim 43, Ram discloses that the user input device is a mouse comprising a mouse button and the action is a single click of the mouse button (page 2,

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paragraph 18), where clicking on a cell with a mouse includes a single click of the mouse button.

Referring to claim 44, Ram discloses that the user input device is a mouse comprising a mouse button and the single action is more than a single click of the mouse button (page 2, paragraph 18), where clicking on a cell with a mouse includes a single click of the mouse button.

Referring to claim 45, Ram discloses displaying a plurality of price levels arranged on the trading screen, wherein each of the plurality of price levels is based on current market data associated with the tradeable object, wherein displaying the plurality of price levels arranged on the trading screen comprises displaying only those price levels for which orders reside for the tradeable object at the electronic exchange (reference number 122, Figure 13).

Referring to claim 46, Ram discloses the step of displaying price levels corresponding to orders to buy the tradeable object along a first column (reference number 200, Figure 3) and displaying price levels corresponding to orders to sell the tradeable object along a second column (reference number 305, Figure 3). The price levels in the user interface of Ram correspond to one column where buy orders can be made and second column where sell orders can be made.

Referring to claim 47, Ram discloses the step of displaying price levels corresponding to orders to buy and orders to sell the tradeable object along a single column (Figure 10, page 12, paragraph 214, lines 12-16 and paragraph 215). The

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hatching conveys bid and ask prices which correspond to the price levels that are associated with buy and sell orders. A single column of Figure 10 displays these price levels based on the hatching.

Referring to claim 48, Ram discloses the step of displaying those price levels that correspond to the inside market at designated locations (Figure 3), where the top of the interface is a designated location which display price levels that correspond to highest bid and lowest ask prices.

Referring to claim 49, Ram discloses displaying the plurality of price levels arranged on the trading screen comprises displaying a last trade price for the tradeable object (page 14, paragraph 254, lines 8-10).

Referring to claim 50, Ram discloses the step of displaying the plurality of price levels arranged on the graphical user interface comprises displaying price levels along a static price axis (page 14, paragraph 254, lines 8-10). Figure 3 displays a price axis that is static.

Referring to claim 51, Ram discloses displaying a best bid indicator that represents a current highest bid price for the tradeable object and displaying a best ask indicator that represents a current lowest ask price for the tradeable object, wherein the best bid indicator and the best ask indicator can move relative to the static price axis when the inside market changes (page 14, paragraph 256).

Referring to claim 52, Ram discloses that the step of repositioning the static price axis so that the price levels corresponding to the inside market are moved to designated

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locations along the static price axis (Figures 25 and 26) The price levels corresponding to the inside market as displayed in Figure 25 are 56.78 and 56.82 which have distinct positions on the static price axis in Figure 25 but upon repositioning of the static price axis, these prices that correspond to the inside market are moved to designated locations as shown in the repositioned static price axis of Figure 26. These designated locations in Figure 26 are distinct locations different from that in Figure 25.

Referring to claim 53, Ram discloses that the step of automatically updating the display on the graphical user interface upon receipt of new market data comprises repositioning the static price axis on the graphical user interface based in part upon the receipt of new price data (page 14, paragraph 256), where as the price of the security is changing, this price is being updated on the display of Ram as new market data which involves repositioning the price axis on the interface of Ram.

Referring to claim 54, Ram discloses that the step of repositioning the static price axis occurs as a result of the market moving outside of a range of price levels (Figures 25, 26 and page 14, paragraph 256). The price of a security falling involves a change in the range of price levels that are associated with that security and this change is conveyed to the user interface of Ram.

Referring to claim 55, Ram discloses that the trading screen is updated upon receipt of new market data (Figures 25, 26 and page 14, paragraph 256).

Referring to claim 56, Ram discloses that the trading screen is updated upon receiving a repositioning command (Figures 25, 26 and page 14, paragraph 256).



Referring to claim 57, Ram and Kennedy disclose further comprising the step of associating each of the plurality of locations with an (x,y) coordinate of a screen on which the graphical user interface is displayed (Kennedy, Figure 3 and page 2, paragraphs 33 and 34). The combination of Ram and Kennedy discloses that the plurality of locations of Ram is associated with x,y coordinates where the locations recited in Kennedy are associated with x,y coordinates and used in calculating the re-positioning of data. Therefore, the combination of Ram and Kennedy disclose further comprising the step of associating each of the plurality of locations with an (x,y) coordinate of a screen on which the graphical user interface is displayed.

Referring to claim 58, Ram and Kennedy disclose further comprising the step of associating each of the plurality of locations with a plurality of (x,y) coordinate of a screen on which the graphical user interface is displayed (Kennedy, Figure 3 and page 2, paragraphs 33 and 34). The combination of Ram and Kennedy discloses that the plurality of locations of Ram is associated with x,y coordinates where the locations recited in Kennedy are associated with x,y coordinates and used in calculating the re-positioning of data. Therefore, the combination of Ram and Kennedy disclose further comprising the step of associating each of the plurality of locations with an (x,y) coordinate of a screen on which the graphical user interface is displayed.

Referring to claim 59, Ram and Kennedy discloses that the plurality of (x,y) coordinates form a cell on the trading screen (Kennedy, Figure 3 and page 2, paragraphs 33 and 34).

Referring to claim 60, Ram discloses receiving a third user command from the

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user input device to move the cursor away from the first price level and subsequently, breaking the association between the cursor and the first price level (Figures 25, 27, 32).

Referring to claim 61, Ram discloses that the second user command is a single action command (page 2, paragraph 18).

Referring to claim 62, Ram discloses that the user input device is a mouse comprising a mouse button, and wherein the second user command is a single click (Figure 3 and page 1, paragraph 1).

Referring to claim 63, Ram discloses that the user input device is a mouse comprising a mouse button, and wherein the second user command is a double click (Figure 3 and page 1, paragraph 1).

Referring to claim 64, Ram discloses maintaining the association comprises moving the cursor to a new location that corresponds to the first price level (Figure 3).

Referring to claim 65, Ram discloses receiving the second user command comprises selecting a new location that corresponds to the first price level by the user input device with the cursor positioned over the new location at the time of selection (page 1, paragraph 1 and page 9, paragraph 178, lines 4-8).

### ***Conclusion***

3. Responses to this action should be submitted as per the options cited below: The United States Patent and Trademark Office requires most patent related correspondence to be: a) faxed to the Central Fax number (571-273-8300) b) hand carried or delivered to the Customer Service Window (located at the Randolph Building,

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401 Dulany Street, Alexandria, VA 22314), c) mailed to the mailing address set forth in 37 CFR 1.1 (e.g., P.O. Box 1450, Alexandria, VA 22313-1450), or d) transmitted to the Office using the Office's Electronic Filing System.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (571) 272-4054. The examiner can normally be reached from 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, Kieu Vu can be reached on (571) 272-4057.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2100.

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Namitha Pillai  
Patent Examiner  
Art Unit 2173  
June 7, 2010

/Namitha Pillai/

Primary Examiner, Art Unit 2173